

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

)
MICHAEL GIGNAC, as he is the duly)
appointed Personal representative of the Estate)
of LAURIE ANN GIGNAC and her heirs at)
law,)
Plaintiff,)
)
v.) DOCKET NO: 1:13-cv-10019
)
CHRISTOPHER SANDERS, M.D. and)
ATTLEBORO INTERNAL MEDICINE, P.C.)
Defendants.)
)

**PARTIES' JOINT STATEMENT PURSUANT TO
FED.R.CIV.P.26(f) AND L.R. 16.1(b)**

The parties to the above-captioned matter, by and through their attorneys, hereby state that:

1. Pursuant to Fed.R.Civ.P. 26(f) and L.R. 16.1(b), they conferred for the purpose of:
 - a. Preparing an agenda of matters to be discussed at the scheduling conference; and
 - b. Preparing a proposed pre-trial schedule for the case that includes a plan for discovery.
2. After consideration of the topics contemplated by Fed.R.Civ.P. 16(b) and 26(f) the parties propose the following pretrial schedule:

Fact Discovery

Plaintiff's Proposal

Plaintiff believes that written discovery should proceed while the medical malpractice tribunal proceeding is pending. Nothing in the tribunal statute relieves Defendants from the

obligation to participate in discovery prior to a tribunal hearing. *See Mass. Gen Laws c. 231 § 60B.* Plaintiff proposes the following deadlines for fact discovery:

- (a) By May 23, , 2013 the parties will exchange their Automatic Disclosures pursuant to Rule 26.
- (b) By November 5, 2013, the parties will complete written and deposition fact discovery;

Defendants' Proposal

- (a) By June 23, 2013 the parties will exchange their Automatic Disclosures pursuant to Rule 26;
- (b) By September 5, 2013, the parties will exchange their Interrogatories and Request for Production of Documents;
- (c) By November 5, 2013, the parties will complete written and deposition fact discovery and serve KOR requests;

The Defendants request that depositions be stayed until after the medical malpractice tribunal convenes. A medical malpractice tribunal acts as a screening device to reduce the costs to insurance companies in defending frivolous claims, to guarantee the continued availability of medical malpractice insurance and to reduce the costs of medical services for the consumer. Brodie v. Gardner Pierce Nursing & Rest Home, Inc., 9 Mass. App. Ct. 639, 641 (1980).

Expert Disclosures and Depositions

- (a) By January 5, 2014, Plaintiffs will disclose Rule 26 reports and expert materials;

- (b) By February 5, 2014, Defendant will disclose Rule 26 reports and expert materials;
- (f) By March 5, 2014, expert depositions will be completed.

Dispositive Motions

- (a) By April 4, 2014, all dispositive motions will be filed by all parties.
- (b) By April 25, 2014, any oppositions to dispositive motions will be filed.
- (c) On May 5, 2014, a hearing will be held on all dispositive motions.

Motions In Limine

- (a) By April 25, 2014, all motions in limine will be filed by all parties.
- (b) By May 16, 2014, any oppositions to motions in limine will be filed.
- (c) On May 23, 2014, a hearing will be held on all motions in limine.

Pre-Trial Conference

On April 6, 2014, a Final Pre-Trial Conference will be held.

Trial

- (a) On June 6, 2014, trial will commence.
 - (i) Trial Estimate – 7-10 days.
3. Other Matters
- a. Trial by Magistrate. The parties do not consent to trial before a U.S. Magistrate Judge.
 - b. Certificate of Consultation. The parties will submit the Certificate of Consultation under separate cover.
 - c. Settlement Proposal.
- On April 25, 2013, Plaintiff presented a written settlement proposal to all Defendants.
- d. Consolidation. Not Applicable.

e. Agenda

- (i) Approve and/or establish discovery, motion and trial schedule; and
- (ii) Such other matters as the Court may find appropriate and useful to discuss.

Respectfully submitted,

The Plaintiff,
**MICHAEL GIGNAC, as he is the duly
appointed Personal Representative of
the**
Estate of LAURIE ANN GIGNAC,
By Counsel,

/s/ *Charles W. Miller*

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The Defendants,
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ATTLEBORO INTERNAL MEDICINE,
P.C.,
By Counsel,

/s/ *Rachel E. Moynihan*

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I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on **May 2, 2013**.

/s/ *Rachel E. Moynihan*

Rachel E. Moynihan